

Date: October 19, 2014

To: Mayor and City Council

Through: Thomas J. Bonfield, City Manager

From: Karmisha R. Wallace, Senior Assistant to the City Manager

Subject: Amendment to Civilian Police Review Board Procedure Manual

Executive Summary

The Human Relations Commission presented recommendations to the City Council to address concerns of racial profiling in Durham. The Civilian Police Review Board presented recommendations to the City Manager to address concerns about the City's complaint process and community-police relations. The Administration responded to each recommendation during a presentation to the City Council. Some recommendations can, and have been, implemented administratively; while others require City Council action. The recommendations addressed herein are those that are governed by the Civilian Police Review Board Procedure Manual which requires City Council action to implement.

Recommendation

To approve the proposed revisions to the Civilian Police Review Board Procedure Manual

Background

In response to issues arising in the community regarding Police relations, the Mayor directed the Human Relations Commission (HRC) to investigate claims of racial profiling and bias by the Durham Police Department. The HRC hosted a series of public meetings and presented their recommendations to the City Council on May 22, 2014. Because of its role in considering appeals from individuals who have filed complaints against Durham Police Department employees, the Civilian Police Review Board (CPRB) also conducted a public input session to gather feedback and presented their written recommendations to the City Manager on April 15, 2014. The City Manager responded to each recommendation during the August 21, 2014 City Council Work Session.

Some of the changes proposed by the HRC and CPRB have been implemented administratively; however, other changes require action by City Council. The recommendations included in this agenda item require an amendment to the Civilian Police Review Board Procedure Manual and amendments to the Manual must be voted on by the City Council.

HRC/CPRB Recommendation	Management Recommendation	CPRB Procedure Manual Amendment
HRC 22: We recommend City Council have oversight of the Citizens Police Review Board, including appointment of Citizens Police Review Board members. City Council should designate a staff attorney to advise the Citizens Police Review Board	The Administration recommends that the procedures for selecting appointees to the Civilian Police Review Board be revised to provide for the Mayor and City Council to confirm the City Manager's selections for appointment	<p>Section 1.6 Vacancies <i>Current Language:</i> Vacancies are filled by the City Manager.</p> <p><i>Proposed Language:</i> Vacancies are filled by the City Manager <u>and confirmed by the City Council.</u></p>
HRC 24/CPRB 5: We recommend the time allowed to appeal to the Citizens Police Review Board to be extended to 30 working days after documented receipt of the Internal Affairs response	Revise the relevant language in the Civilian Police Review Board Procedure Manual (Section 4.5) to extend the request for appeal from 14 calendar days to 30 business days (Monday – Friday). This change must be approved by the City Council. In addition to the Procedure Manual, any and all references to the 14 day appeal period would have to be revised as well (e.g., website and letters)	<p>Section 4.5 Appeals Procedures <i>Current Language:</i> The citizen must file the request within 14 calendar days of receiving written notice from the Police Department of the disposition of the complaint.</p> <p><i>Proposed Language:</i> The citizen must file the request within <u>30 business days (Monday – Friday)</u> of receiving written notice from the Police Department of the disposition of the complaint.</p>
HRC 25: We recommend the complainant have 60 days to gather information, documents, evidence, etc. to submit to the Citizens Police Review Board	Allow Complainants 30 business days (Monday – Friday) instead of 14 calendar days, to file a Request for Hearing with the CPRB.	<p>Section 4.5 Appeals Procedures <i>Current Language:</i> The citizen must file the request within 14 calendar days of receiving written notice from the Police Department of the disposition of the complaint.</p> <p><i>Proposed Language:</i> The citizen must file the request within <u>30 business days (Monday – Friday)</u> of receiving written notice from the Police Department of the disposition of the complaint.</p>

HRC/CPRB Recommendation	Management Recommendation	CPRB Procedure Manual Amendment
CPRB 9: The CPRB will host one community forum per year	To ensure accountability and continuity of the CPRB annual community forum, the Civilian Police Review Board Procedure Manual should be amended to include the forum as an expectation of CPRB members. The amendment would have to be approved by the City Council.	Section 1.15 Training <i>Current Language:</i> None. <i>Proposed Language:</i> <u>The Civilian Police Review Board must host one community forum per fiscal year. Forums should be designed to educate the public on the role and function of the Civilian Police Review Board and to gather feedback on the Police Department complaint process.</u>
CPRB 10: [CPRB will be] available to present information on the complaint process to Partners Against Crime organizations and other interested community, civic and neighborhood groups.	To ensure accountability and continuity, the Civilian Police Review Board Procedure Manual should be amended to include a requirement to present to at least two community/civic/neighborhood groups per year	Section 1.15 Training <i>Current Language:</i> None. <i>Proposed Language:</i> <u>The Civilian Police Review Board must present to at least two community, civic and neighborhood groups. The purpose of the presentation is to educate the community on the Civilian Police Review Board process.</u>

Issues/Analysis

The proposed revisions are a result of community conversations as well as a review of practices among our peer cities. Public participation has been a vital component of this review process and the Administration would like to honor the feedback received by presenting the proposed revisions so the changes recommended by the HRC and CPRB can be implemented. Not implementing these recommendations could negatively impact the public trust in the City's process and diminish transparency.

Alternatives

The City Council could adopt the proposed revisions or provide other or additional changes for consideration.

Financial Impact

The revisions proposed do not financially impact the City or citizens.

SDBE Summary

Not Applicable

Attachments

Civilian Police Review Board Procedure Manual